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SUTHERLAND ASBILL & BRENNAN LLP
999 PEACHTREE STREET, N.E.
ATLANTA GA 30309

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OFFICE OF PETITIONS

In re Patent No. 6,976,982 :
Issue Date: December 20, 2005 :
Application No. 10/042,996 :
Filed: January 9, 2002 :
Attorney Docket No. 17509-0024 :
For: FLEXIBLE MICROCHIP DEVICES FOR
OPHTHALMIC AND OTHER APPLICATIONS

ON PETITION

This is a decision on the petition under 37 CFR 1.182, filed March 3, 2006 (certificate of mailing date February 28, 2006), requesting issuance of duplicate Letters Patent for the above-identified application due to non-receipt of the original Letters Patent.

The petition is **granted**.

The file record discloses that the instant application matured into U.S. Patent No. 6,976,982 on December 20, 2005. A review of the official record indicates no major irregularity in the mailing of the December 20, 2005 Letters Patent, and in the absence of a major irregularity there is a strong presumption that the communication was properly mailed to patentee at the correspondence address of record. This presumption may be overcome by a showing that the aforementioned communication was not in fact received.

Petitioner contends that the Letters Patent was never received at the correspondence address of record. Petitioner has not provided a showing to bolster the non-receipt assertion. The showing required is the same as that set forth in MPEP Section 711.03(c), subheading Petitions to Withdraw Holding of Abandonment. Basically, the showing must consist of a statement by practitioner stating that a search of the file jacket and records for this application fails to indicate that the Letters Patent for this case was ever received. Additionally, a copy of the docket record or copy of the file jacket contents where the Letters Patent would have been entered had it been

received must be attached to and referenced in practitioner's statement.

While petitioner has not provided an adequate showing of non-receipt, petitioner has authorized the Office to charge the petition fee to petitioner's deposit account and has submitted a statement as to the reason for the request for a duplicate Letters Patent.

Therefore, the petition is granted. Deposit account will be charged the required \$400.00 Rule 182 petition fee.

The Publishing Division is directed to issue duplicate Letters Patent.

Any questions concerning this matter may be directed to the undersigned at (571) 272-3230. Any questions concerning issuance of the duplicate Letters Patent should be directed to Krystal Paige at (703) 308-9250, extension 139.

A copy of this decision is being forwarded to Publishing Division for issuance of a duplicate Letters Patent. The patent file is being forwarded to the Files Repository.



E. Shirene Willis
Senior Petitions Attorney
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy

cc: **Krystal Paige, South Tower, 8th Floor**
Room C-32
Fax - (571) 273-9756
Phone - (703) 308-9250 x 139